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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/690,423	BRUWER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Wilson Lee	2821	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/2/05.
2. ☒ The allowed claim(s) is/are 47-102.
3. ☒ The drawings filed on 10/21/03 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

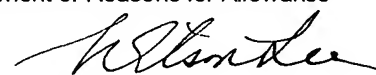
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 6/14/04, 7/9/04, 9/17/04, 2/17/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



Wilson Lee  
Primary Examiner  
Art Unit: 2821

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the specification:

Page 1, line 6, after "Bruwer", inserts --now U.S. Patent No. 6,650,066--.

### **Allowable subject matter**

Claims 47-102 are allowed. Claims 103-144 have been canceled by applicant.

The following is an examiner's statement of reasons for allowance:

The prior art neither discloses nor suggests the following limitations, in combination with remaining elements disclosed in the independent claims 47, 59, 61, 62, 63, 64:

(a) a microchip having at least a first input, the first input transfers information to the microchip when a switch connected to the first input has been activated or deactivated, and when in use with the power source and said load, the input and the switch do not form a serial link in a circuit that conducts energy from the power source to activate the light generating load and wherein the switch is a user interface;

(b) the microchip being configured to control the activation and deactivation of the energy flow from the power source to said light generating load in response to at least a signal received through the first input;

(c) the microchip also configured to control the selection of one of a plurality of operating modes, including at least the adjustment in the power supplied to the load, in response to a signal received through the first input.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **IDS**

References eternLight, PAL Survival light, Neon Star product have been withdrawn from consideration because applicant fails to provide Author, Source, and Pertinent pages. Schneiker has been withdrawn from consideration because applicant fails to provide the Source. Andres et al. (5,604,407) has been crossed through because it is a duplicate reference already cited in IDS.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rodgers (6,158,872) discloses a bag comprising a light controlled by a timing circuit so that the light is only turned on for a set period by an OFF to ON transition of a motion responsive switch occurring outside the set period but fails to disclose that the circuit is not forming a serial link in a transfer circuit between the source and the load and the adjusted power level is based on signal received through the first input.

Lebens et al. (6,095,661) discloses a flashlight comprising a control circuit for maintaining an average predetermined light output level of the LED units as the charge on the battery cell varies by changing a pulse width or frequency as the charge on the battery cell varies to maintain a given average light output but fails to disclose that the circuit is not forming a serial link in a transfer circuit between the source and the load.

Nelson (6,079,847) discloses a flashlight comprising a programmable time delay feature and a switch is activated to the time delay position but fails to disclose that the circuit is not forming a serial link in a transfer circuit between the source and the load.

Foerster (5,969,437) discloses a dual powered flashlight comprising a switch connected to a battery in a serial connection for controlling the timer but fails to disclose that the circuit is not forming a serial link in a transfer circuit between the source and the load.

Proper motivation is not recited in the prior arts for combining the references to disclose the limitations.

### **Correspondence**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824.

Papers related to Technology Center 2800 applications may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The official fax number is (703) 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script, appearing to read "Wilson Lee", written over a horizontal line.

Wilson Lee  
Primary Examiner  
U.S. Patent & Trademark Office

3/21/05